

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE HANFORD NUCLEAR
RESERVATION LITIGATION,

No. 2: 91-CV-3015-WFN

ORDER DISMISSING CERTAIN
PRO SE PLAINTIFF'S CLAIMS
WITH PREJUDICE

Pending before the Court is Defendant's Motion to Dismiss With Prejudice Pursuant to Federal Rule of Civil Procedure 41(b) for *pro se* Plaintiffs Vivian Sue Rey Dickson, Richelle Hendrix, Elathine A. Marlow, Frederick Nelson, Katherine N. Plager, Elaine Rey, Maybelle Sabedra, Ronald E. Utz, Sr., and Noreen Wynne. ECF No. 3439. Defendants' briefing accurately depicts the series of orders and deadlines set by the Court for *pro se* Plaintiffs. The Court warned *pro se* Plaintiffs that failure to meet deadlines and comply with Court orders **would likely** lead to involuntary dismissal with prejudice. The Court held a status conference specifically to address the *pro se* plaintiffs wherein the Court gave Defendants permission to file a motion to dismiss for failure to prosecute and set deadlines for responding to the Defendants' allegations that the Plaintiffs named in Defendants' Motion failed to comply with this Court's orders and deadlines. None of the named *pro se* Plaintiffs answered the Defendant's motion. None have provided the Court with any reason not to grant Defendants' Motion. Given the complete lack of follow through on the part of each of the named Plaintiffs the Court feels that there is no other option but to dismiss their claims with prejudice. The Hanford litigation has been pending for decades. Defendants have a strong interest in resolution of the claims which cannot happen if the named Plaintiffs fail to comply with any discovery requirements or Court ordered deadline

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1 of any kind. Though the Court would prefer that the cases be determined on their merits,
2 such a resolution is impossible if the named *pro se* Plaintiffs do not meet even the most
3 basic requests, such as updating interrogatories and medical provider lists—or even, in the
4 case of a few of the named *pro se* Plaintiffs, confirming their legal right to pursue the
5 claims in the first place. The Court has reviewed the file and Defendants' Motion and is
6 fully informed. Accordingly,

7 **IT IS ORDERED** that:

8 1. Defendants' Motion to Dismiss With Prejudice Pursuant to Federal Rule of Civil
9 Procedure 41(b), filed March 21, 2014, **ECF No. 3439**, is **GRANTED**.

10 2. The claims of *pro se* Plaintiffs **Vivian Sue Rey Dickson, Richelle Hendrix,**
11 **Elathine A. Marlow, Frederick Nelson, Katherine N. Plager, Elaine Maria Rey,**
12 **Maybelle Sabedra, Ronald E. Utz, Sr., and Noreen L. Wynne** are **DISMISSED WITH**
13 **PREJUDICE**.

14 The District Court Executive is directed to file this Order and provide copies to
15 counsel; Mediator Gary Bloom; **AND TO** *pro se* Plaintiffs Corinalyn and Robert Guyette,
16 Richelle A. Hendrix, Elathine A. Marlow, Martha J. McNeely, Frederick W. Nelson,
17 Katherine N. Plager, Elaine Maria Rey, Beverly M. Utz, and Noreen L. Wynne.

18 **DATED** this 15th day of April, 2014.

19
20 s/ Wm. Fremming Nielsen

21 WM. FREMMING NIELSEN

22 SENIOR UNITED STATES DISTRICT JUDGE

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04-09-14